



ITEM NO.	GOAL: Coordinate Planning to Balance Infrastructure
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REQUEST	Request to approve a conditional use permit for live entertainment in an existing 4000 +/- square feet building located at 6990 E. Shea Blvd. with Central Business District (C-2) zoning.
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- The proposed live entertainment is located in an existing bar and in a commercial center along E. Shea Boulevard.
- The nearest residential use is over 600 feet to the north.
- There is no known opposition to this proposed use.

- In May of 2006, the City Council approved a Conditional Use Permit for a bar at this location (Case 1-UP-2006).
- In 1998, the Development Review Board approved the Agua Caliente Shopping Center (Case 29-DR-1988).

LOCATION 6990 E Shea Blvd. at the northwest corner of the
Shea Boulevard and N. 70th Street



The site is zoned C-2 (Central Business District). The C-2 zoning district allows for general business activities, including bar and live entertainment uses with approval of a Conditional Use Permit.

This subdivision is located in the Agua Caliente Shopping Center at the northwest corner of the Shea Boulevard and N. 70th Street. Surrounding properties are commercial uses, with no single-family residential use located within the area.

- North Agua Caliente Shopping Center with C-2 (Central Business District) zoning
- South Shea Boulevard, with C-2, C-O and R1-35 Residential District zoning, (note: the R1-35 area is the YMCA, 425

- East feet southwest of the site)
- East Agua Caliente Shopping Center with C-2 (Central Business District) zoning
- West Agua Caliente Professional Center (Dental Center) with C-2 District zoning

APPLICANT'S PROPOSAL

Goal/Purpose of Request.

The applicant is requesting approval of a Conditional Use Permit to provide live entertainment in an existing building within the Agua Caliente Shopping Center. The bar will offer small entrées and feature one or two jazz performers, larger bands, and lounge singers catering to the “twenty-eight and up” business crowd.

Development Information.

- Existing Use: Former restaurant currently being remodeled into a bar
- Buildings/Description: 1 building in a multi-tenant shopping center
- Parcel Size: 2 acres
- Building Height Allowed: 36 feet
- Existing Building Height: 28 feet
- Floor Area: 4,000 square feet (1,800 square feet for kitchen and office, and 2,200 square feet for bar and dining), plus 2,040 square feet patio area.

IMPACT ANALYSIS

Traffic.

The proposed live entertainment is ancillary to the bar use and would operate in the evening, with the primary trip generation occurring off-peak in the evening hours when other businesses in the commercial center are closed. The live entertainment use is expected to only slightly increase the overall traffic or peak trips generated to the bar. The existing shopping center, parking, and surrounding street network can accommodate any slight increase in traffic. Existing access to the Agua Caliente Shopping Center is from E. Shea Boulevard to the south, N. 70th Street to the east and N. 69th Street to the west. There are no known traffic impacts with the existing shopping center or from the proposed live entertainment use.

Parking.

- 58 spaces are required for the bar/live entertainment use, and 110 spaces are provided within the shopping center. There are no parking impacts anticipated at the existing commercial center.
- 120 additional spaces are available through a shared parking agreement with the Agua Caliente Professional Center adjoining the site to the west.

Police/Fire.

Police facilities are located within four miles of this property and a fire station

is located within a mile. There are no reported public service concerns with this use. The bar and live entertainment conditional use permit criteria require submission of a Security and Maintenance plan, which has been reviewed and approved by the Police Department. (See Attachment #7)

Use Permit Criteria.

Conditional use permits, which may be revocable, conditional, or valid for a specified time period, may be granted only when expressly permitted after the Planning Commission has made a recommendation and the City Council has found as follows:

- A. That the granting of such conditional use permit will not be materially detrimental to the public health, safety or welfare. In reaching this conclusion, the Planning Commission and the City Council's consideration shall include, but not be limited to, the following factors:
 1. Damage or nuisance arising from noise, smoke, odor, dust, vibration or illumination.
 - **No additional lighting is proposed, and no smoke, odor, dust or vibration is anticipated from this use.**
 2. Impact on surrounding areas resulting from an unusual volume or character of traffic.
 - **Access to the primary parking area for the shopping center is from E. Shea Boulevard, N. 69th and N. 70th Streets, and the proposed use will not modify existing traffic patterns in the area. The expected slight increase in traffic generated by the live entertainment use will primarily occur in the evening hours when many of the other retail, office and medical office tenants in the center are closed. Sufficient parking is available with parking areas located to the north of the building, and within the Agua Caliente Shopping Center to the west.**
 3. There are no other factors associated with this project that will be materially detrimental to the public.
 - **An outside patio along the east side of the building is located about 50 feet from E. Shea Boulevard with other commercial uses located toward the south.**
- B. The characteristics of the proposed conditional use are reasonably compatible with the types of uses permitted in the surrounding areas.
 - **The live entertainment request in conjunction with a bar is reasonably compatible with the surrounding retail and offices uses within this shopping center.**
- C. The additional conditions for Live Entertainment specified in Section 1.403 have been satisfied.
 1. The site plan shall demonstrate that:
 - a. Buffering by a wall and/or landscaping will be provided in a manner which physically separates and restricts access from the establishment and its required parking area to residential districts.
 - b. All patron entrances will be well lit and clearly visible to patrons from the parking lot or a public street.
 - **The site is buffered by a larger parking lot and other commercial buildings to the north, and by Shea**

Boulevard and commercial development to the south, east, and west. The closest residential housing is located over 600 feet to the north. All patron entrances are well lit and clearly visible to patrons from the parking lot.

2. The applicant has provided written evidence that all sound resulting from business activities will be contained within the building, except where external speakers are permitted.
 - **The floor plan indicates that all live entertainment activities will be located within the structure. Live entertainment and any external speakers will not exceed noise levels of ambient noise consistent with the use and character of the area.**
3. The applicant has provided a written public safety plan which the city police and fire departments have approved as complying with the written guidelines of the Planning and Development Department.
 - **A Security and Maintenance Plan has been submitted and approved.**
4. The applicant has provided a written lighting plan which addresses exterior lighting on and surrounding the property, in accordance with section 7.600 of the zoning ordinance and with the public safety plan guidelines.
 - **The existing lighting for the commercial center meets the provisions of this ordinance.**
5. The applicant shall provide a written exterior refuse control plan which must be approved by the Planning and Development Department staff as complying with the written guidelines of the department, prior to the issuance of a business license. The review will be conducted as provided in Section 1.305.
 - **Provisions of refuse control are included with the Security and Maintenance Plan and have been stipulated with this case**
6. The applicant has provided a floor plan which identifies the areas for the primary use and for ancillary functions, which include but are not limited to patron dancing areas and/or stages for performances.
 - **The draft floor plan has been provided for review as Attachment #9.**
7. If access to the establishment is from a street other than one classified by the General Plan as minor collector or greater, or classified by the downtown General Plan as local street or greater, the applicant has provided a traffic analysis which complies with transportation planning department written guidelines. The plan shall demonstrate to the satisfaction of the transportation department that the level of service on all streets accessed by the use shall meet the standard set by the city.
 - **The entrance to the subject establishment is from the interior of the commercial center.**
8. If the Zoning Administrator determines that a study is necessary the

applicant shall provide a parking study which complies with the written guidelines of the Planning and Development Department.

- **The Zoning Administrator has determined that the project meets the parking provisions of the zoning ordinance.**

9. The applicant has provided any additional information required by city staff in order to evaluate the impacts of the proposed use upon the area.

- **Given the size and location of the proposed use, no additional information was required.**

10. The following operational standards must be met by the use throughout its operation:

- All external doors shall be closed but not locked during business hours.
- No external speakers will be permitted on the premises of a use permitted under this section, which is located within five hundred (500) feet of a residential district.
- The applicant/operator shall comply with all plans approved as provided herein.
 - **All of these issues have been satisfied, and the nearest residential use is 600 feet away.**

Community Involvement.

The applicant has notified property owners within 750 feet of the site, posted the site with an information sign, and held an open house to discuss this proposal. Comments from those attending the open house were supportive of the proposal. Staff has received no comments from the public regarding this application.

Community Impact.

This live entertainment use is located immediately adjacent to Shea Boulevard and is intended to be open in the evenings and will not adversely impact the shopping center or surrounding uses. Loitering and littering are not anticipated due to the relatively small size and location of the venue. The approved Security and Maintenance Plan establishes maintenance and security operations for the use.

STAFF
RECOMMENDATION

Recommended Approach:

Staff finds that the Conditional Use Permit criteria have been satisfied and recommends approval subject to the attached stipulations.

RESPONSIBLE
DEPT(S)

Planning and Development Services Department
Current Planning Services

STAFF CONTACT(S)

Tim Curtis, AICP
Principal Planner
480-312-4210
E-mail: tcurtis@ScottsdaleAZ.gov

APPROVED BY



Tim Curtis, AICP
Report Author

Lusía Galav, AICP
Current Planning Director

ATTACHMENTS

1. Stipulations
2. Applicant's Narrative
3. Context Aerial
- 4A. Aerial Close-Up
4. Zoning Map
5. Citizen Involvement
6. City Notification Map
7. Security and Maintenance Plan
8. Site Plan
9. Floor Plan

STIPULATIONS FOR CASE 23-UP-2006

PLANNING/ DEVELOPMENT

1. OPERATIONS. All operations on site shall comply with the following:

- a. FLOOR PLAN. The Use Permit is restricted to the floor plan prepared by Peter Owens Designs and dated 1/22/06. Any significant changes to this floor plan, as determined by the General Manager of the Department of Development Services or designee, shall require an amendment to the Use Permit, or an entirely new Use Permit. During all valid hours of operation, the business operation shall not remove any tables or chairs, and shall keep substantially similar seating areas to those depicted on the site plan prepared by Peter Owens Designs and dated 1/22/06.
- b. NOISE. No noise generated from this use, including the outdoor patio and any speakers or other amplification equipment, shall exceed noise levels of ambient noise consistent to the use and character of the area during the corresponding hours of operation, as determined by the General Manager of the Department of Development Services or designee. Amplified music shall be limited to the times that state law allows liquor sales at this bar.
- c. PUBLIC SECURITY AND MAINTENANCE PLAN.
The bar operator(s) / merchant(s) shall maintain and conform to a Public Security and Maintenance Plan approved by the Scottsdale Police Department, on record with the City of Scottsdale, and shall keep a copy on site. Each year, prior to the anniversary of this use permit approval, the bar operator(s) / merchant(s) shall provide an update to the Public Security & Maintenance Plan to the Police Department and the Planning and Development Services Department. Such update shall state that the plan continues in effect as originally approved, or the update shall conform to the following: If there are any changes that modify the requirements or contents of the Public Security and Maintenance Plan, those changes shall be documented in a revised Public Security and Maintenance Plan, which shall be subject to approval by the Police Department and the Planning and Development Services Department.
- d. REFUSE AND LITTER CONTROL. The bar operator(s) / merchant(s) shall maintain and conform to a refuse and litter control plan approved by the Scottsdale Planning and Development Services Department, and any other applicable departments, and keep a copy on site. The bar operator(s) / merchant(s) shall remove and dispose of litter and debris daily, to the satisfaction of General Manager of the Department of Development Services or designee.
- e. SECURITY MONITORING. Security personnel identified in the Security and Maintenance Plan shall monitor the parking areas within 500 feet of the use at least once an hour that the bar is open and for at least 30 minutes after the bar closes. Monitoring is defined as physically walking through the parking areas or by viewing cameras (if used) to provide video surveillance.
- f. NOTIFICATION. Within ten (10) days of receiving any complaints regarding the affect of live entertainment on the adjacent uses and properties, the business operator shall notify the Zoning Administrator of the nature of the complaint. Notification shall also include actions taken or planned by the business operator to address those complaints.

2. ADMINISTRATION:

- a. EXPIRATION DATE. This Use Permit shall expire one (1) year after City Council approval, unless: (1) the use begins before the expiration date, or (2) the City Council approves an extension based on a written request for extension submitted to the Planning Department at least ninety (90) days before the expiration date.
- b. OPERATOR CHANGE: Any change in operator/business owner at the subject location shall require an administrative review by the Zoning Administrator for compliance to these stipulations and the approved Security and Maintenance Plan. Any deviation from any conditions of approval or change in floor plan may be grounds for revocation of the Conditional Use Permit. The applicant shall provide notice of any such operator/owner change within 30 days after the change occurs.

August 15, 2006

City of Scottsdale
Planning and Development Services Department
7447 East Indian School Road, Suite 105
Scottsdale, Arizona 85251
Attention: Tim Curtis
Case #593-PA-2005-2

Dear Tim:

Tanner's (DBA Minx), located at 6990 East Shea Blvd. Ste. 101, is submitting an application for a live-music permit.

Its ownership, Geekee Holdings, LLC, feels it needs a live-music permit to attract various musical acts for competitive purposes to fit its genre. The previous establishment at the location had live-music.

Tanner's has already been approved for its bar-use permit (case # 1-UP-2006) and its class-six liquor license (#06070240) from both the city and the state both on consent without any objections. The registered agent is Jerry Lewkowitz.

The parking should be no different from the originally submitted plans for the bar-use permit (see planning commission report attached). Parking is ample (56 spaces required, 110+ available).

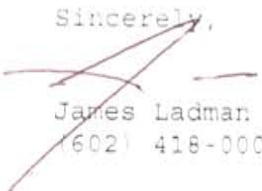
Detective Mike Fritz has been contacted regarding this permit. The approved security plan will remain in tact.

The neighbors have unanimously given their support for our project with musicians and musical acts.

Please see attachments for permit information.

Thank you for your consideration.

Sincerely,


James Ladman
(602) 418-0007

ATTACHMENT #2

23-UP-2006
8-15-06

Live Entertainment Use Narrative (23-UP-2006)

Tanner's (dba; Minx) plans to utilize the same approved floor plan, lighting plan, security plan and refuse plan, within the same scope of the project (see original project narrative) in conjunction with its Bar-Use Permit (1-UP-2006) and Liquor License (76-LL-2005) approved on May 15, 2006 by its city council. Tanner's will be a jazz-oriented club. Tanner's would like to add a Live-Entertainment Use Permit to expand its ability to attract larger bands and lounge singers if needed. The property previously had amplified live music with multiple temporary Live Entertainment Use Permits when it was Sozzle Grill.

Although there are no business neighbors open during its business hours, except Ajo Al's, Tanner's has taken every precaution to keep the sound clean and contained. Tanner's sound designers are the Professional Services Group, (480) 443-0400 attention: Dana Judd. Their clients include the US Bankruptcy Building (Phx), The Joffe Group, First National Bank, Bungalow Bar and Grill to name a few.

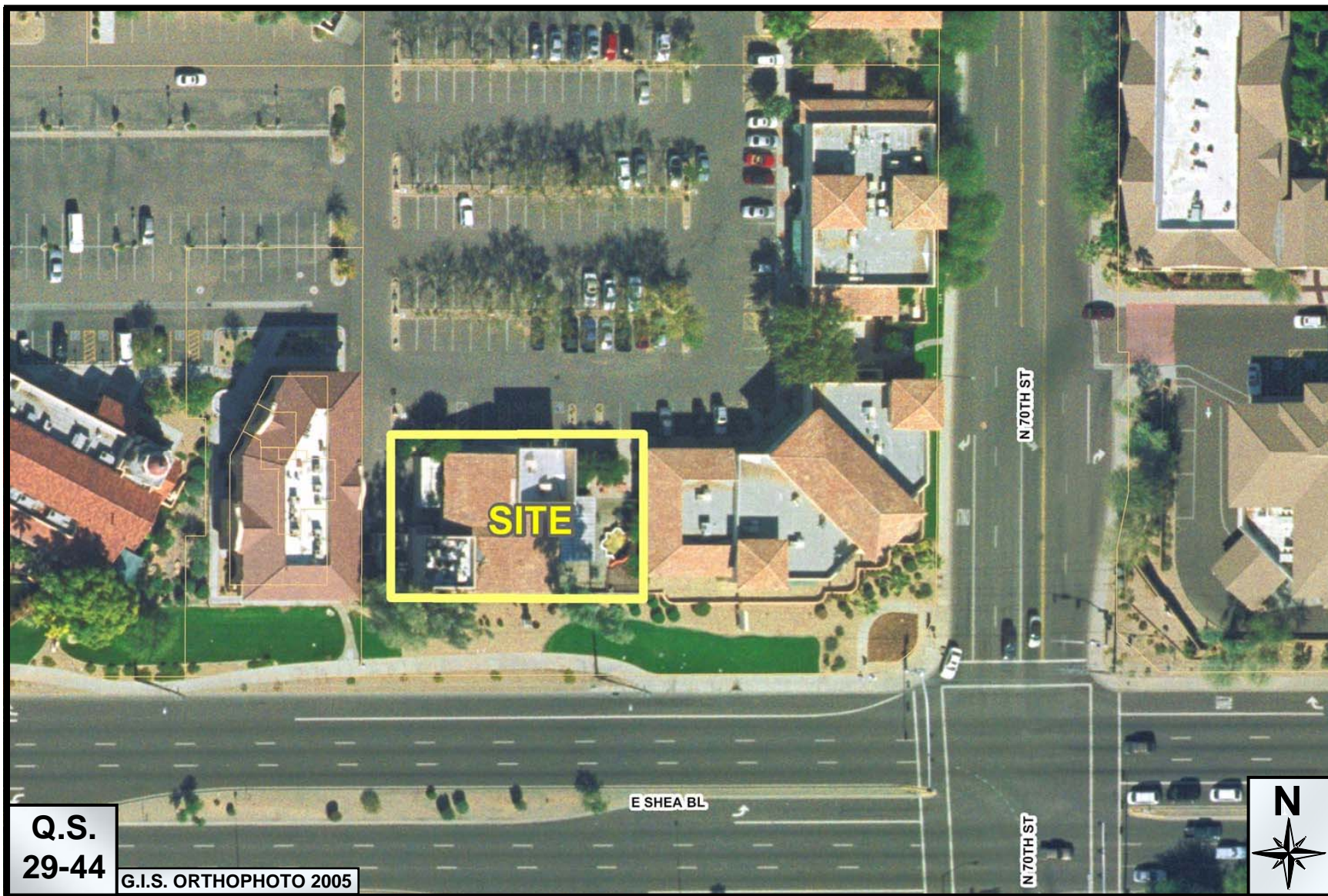
9/21/2006



Tanner's Live Entertainment

23-UP-2006

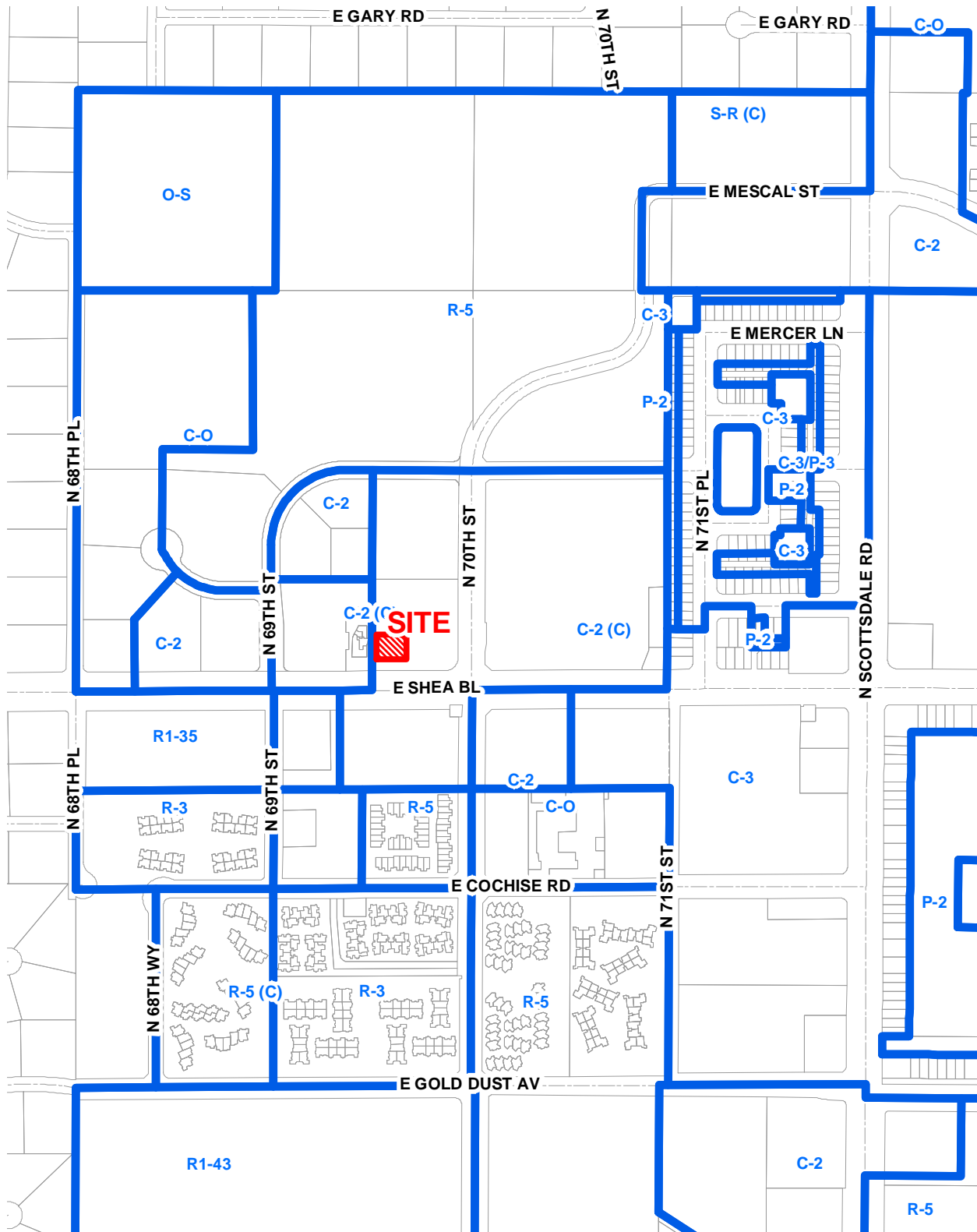
ATTACHMENT #3



Tanner's Live Entertainment

23-UP-2006

ATTACHMENT #3A



23-UP-2006

ATTACHMENT #4



April 10, 2006

Mr. Tim Curtis
Scottsdale Planning Coordinator

Dear Tim,

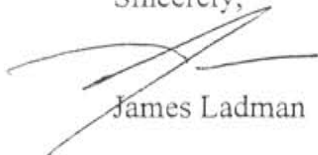
Tanner's had its open house on Wednesday, April 5, 2006 between 5 and 7 pm. Tanner's had four groups of neighbors and a partner show up for the event.

We had a financial planner, a dentist, and two women from the PGA Golf shop, our partner and the marketing director from the YMCA. All of the comments were that of excitement and of good luck. We primarily discussed wines and music. The consensus was that they wanted a nice place to go and that we would generate some life within the center.

The marketing director from the YMCA expressed his interest to cross-market with their renovated facility.

Every neighbor we have spoken prior to or since has expressed goodwill and has wished us success.

Sincerely,



James Ladman

Sign In Sheet

Date: Wednesday, April 05, 2006

Time: 5:00 pm to 7:00 pm

Place: Tanners
6990 E. Shea Blvd.
Suite 101
Scottsdale, AZ 85254

CONTACTS

Jamie Ladman
4360 N. Scottsdale Rd.
Scottsdale, AZ 85251
480-994-1888

Jerry Lewkowitz Attorney
3101 N. Central Ave. Suite 200
Phoenix, AZ 85012
602-200-7222

Tim Curtis
City of Scottsdale
7447 E. Indian School Rd. Ste. 205
Scottsdale, AZ 85251
480-312-6500

[illegible]

March 25, 2006

Dear Neighbor:

Hello, my name is James Ladman. My associates and I are planning to put in Tanner's Jazz Club (or name to be announced) at 6990 East Shea #101 (the old Sozzle Grill). The ownership/management has extensive high-end restaurant/bar experience here in Scottsdale.

Tanner's plans on being a high-end jazz/pop lounge featuring both food and libations. Tanner's will keep the premises clean and will patrol the parking lot at all times along with free valet parking. Tanner's will be open five days per week (4 - 5 pm till late evenings).

Tanner's is applying for a bar use permit with the city of Scottsdale with liquor license # 06070240 (76LL2005 city liquor app) and city Bar Use Permit case # 1-UP2006 .

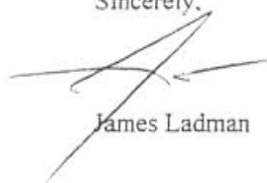
Tanner's is zoned C-2.

Tanner's will have an open-house for any neighbors on Wednesday, April 5, 2006 at the property between 5 and 7pm.

If you have any questions or concerns please contact me @ (602) 418-0007, or Jerry Lewkowitz @ (602) 200-7222 or Tim Curtis @ (480) 650-3000 at the City of Scottsdale.

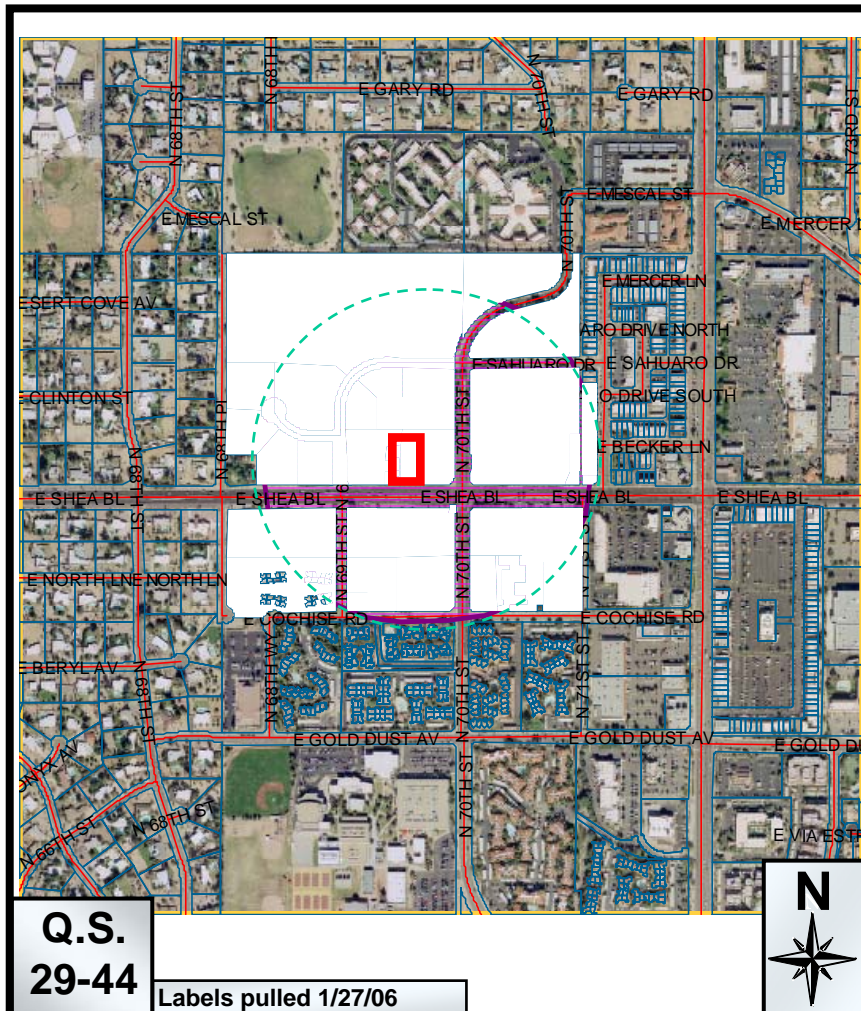
We look forward to meeting any who wish to attend.

Sincerely,



James Ladman

City Notifications – Mailing List Selection Map



Map Legend:



Site Boundary



Properties within 750-feet

Additional Notifications:

- **Interested Parties**

Tanners

23-UP-2006

ATTACHMENT #6

**Tanners Live Entertainment
23-UP-2006**

Attachment #7 Security and Maintenance Plan

The above attachment is on file at the City of
Scottsdale Current Planning office,
7447 E Indian School Road, Suite 105.

PARKING CALCULATIONS

TOTAL BUILDING SQUARE FOOTAGE	8,735 SQ. FT.
SQUARE FOOTAGE DEVOTED TO KITCHEN	3,658 SQ. FT.
TOTAL FLOOR AREA	3,045 SQ. FT.
FLOOR AREA FOR STORAGE TO LETS	1,260 SQ. FT.
TOTAL OUTDOOR FLOOR AREA	134 SQ. FT.
KITCHEN PERCENTAGE OF TOTAL SQUARE FOOTAGE	41%

FLOOR AREA WAS TO BE CALCULATED AS RESTAURANT DUE TO 10% PERCENTAGE OF KITCHEN AREA

PARKING REQUIREMENTS	
RESTAURANT AREA - SPACE / 200 SQ. FT.	8 SPACES
OUTDOOR AREA - SPACE / 100 SQ. FT.	1 SPACES
TOTAL PARKING REQUIRED	11 SPACES
TOTAL PARKING PROVIDED	101 SPACES

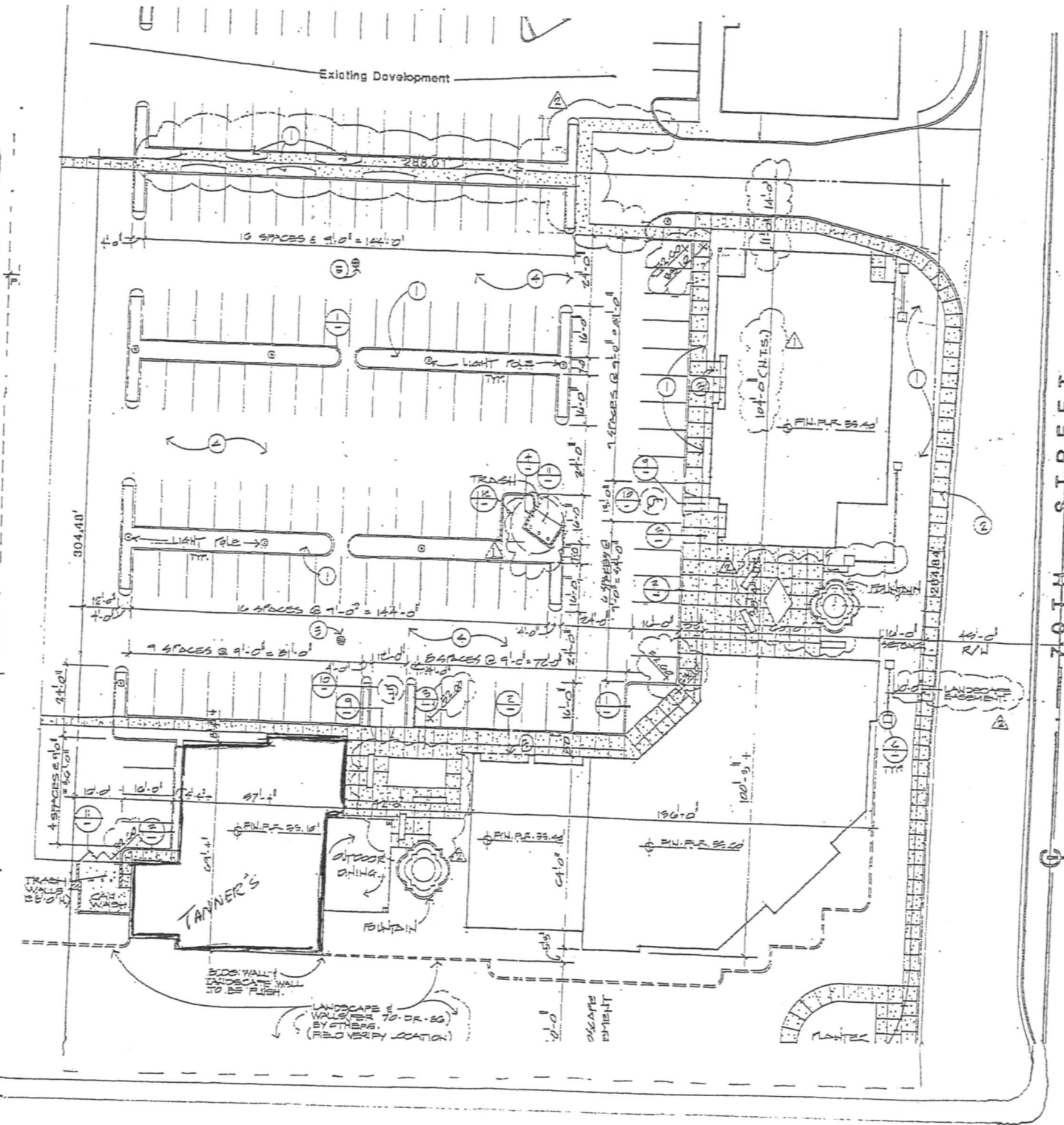
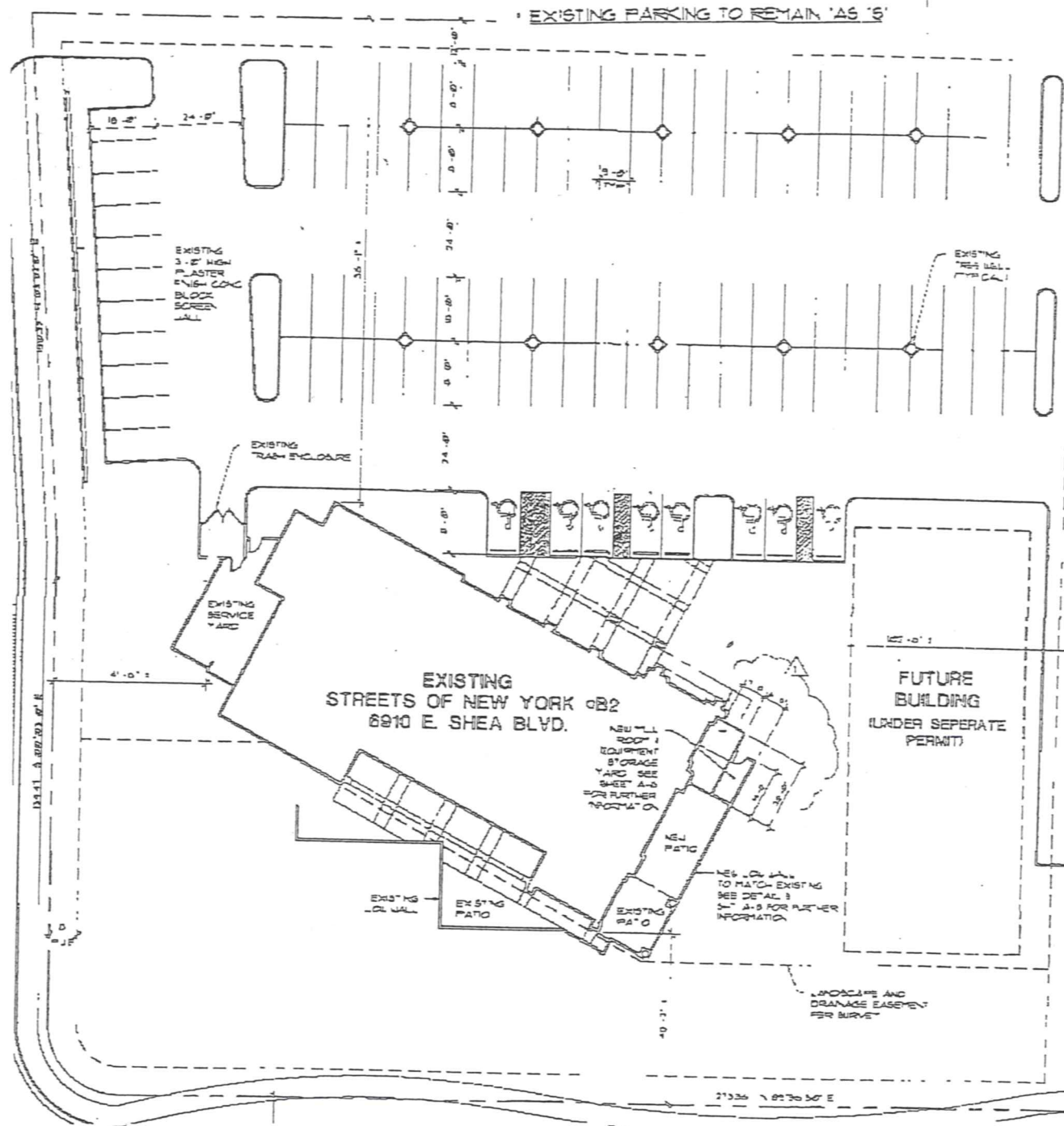
MINIMUM REQUIREMENTS	
MINIMUM PARKING REQ. - 8% SPACES	3 SPACES
MINIMUM PARKING PROVIDED	0 SPACES

EXISTING PARKING TO REMAIN 'AS IS'

TANNER'S BAR USE

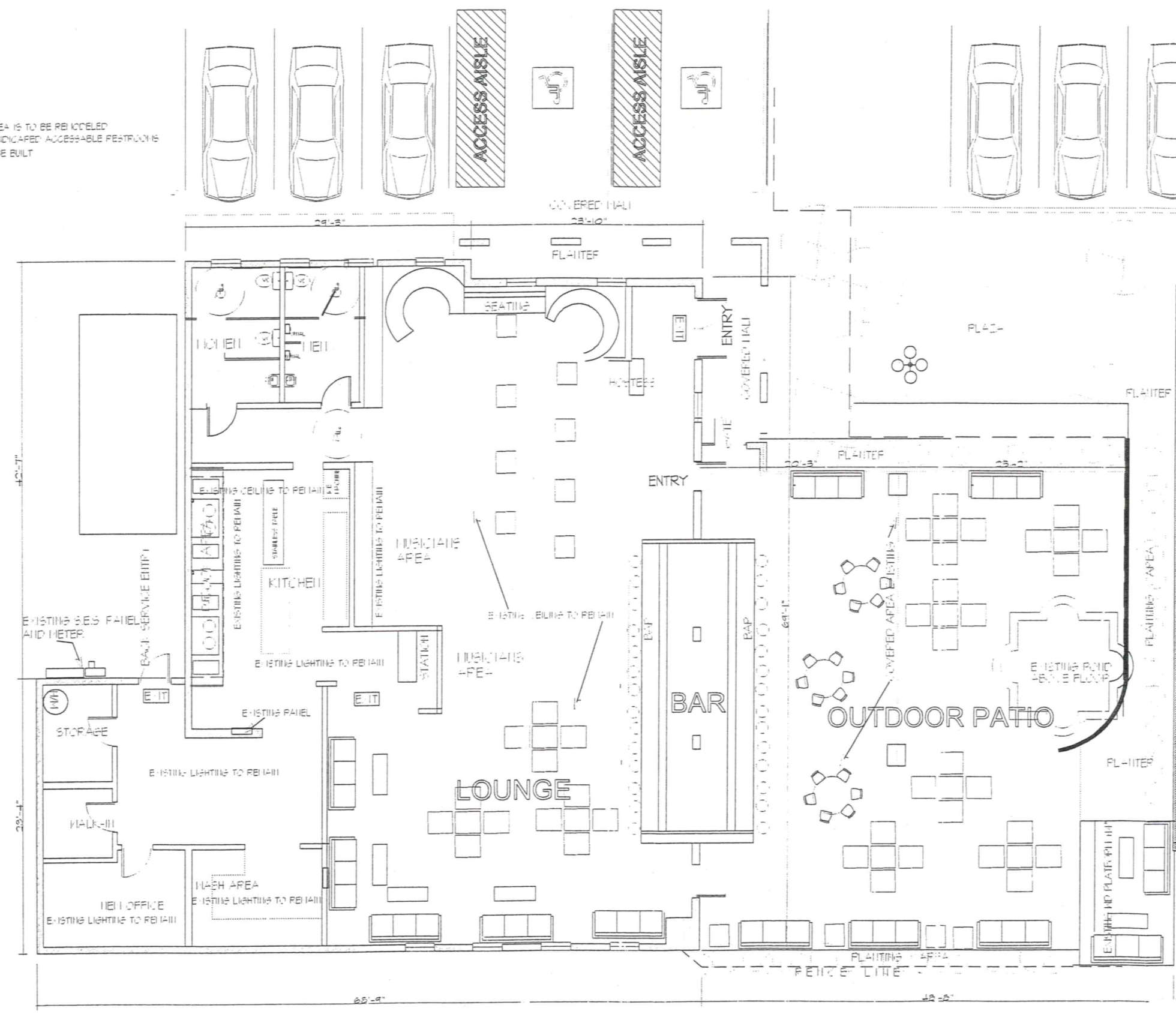
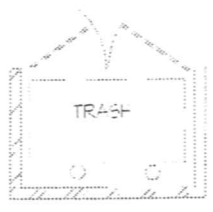
PERMIT

1-UP-2006



THIS AREA IS TO BE RELOCATED
AND HANDICAPPED ACCESSIBLE RESTROOMS
SHALL BE BUILT

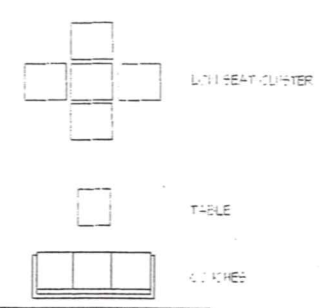
EXISTING PARKING



ADJACENT TENNANT

AREA CALCULATIONS

FUNCTION	SQ. FT.
CLUB BAR	840 SF
LOUNGE	1850 SF
OUTDOOR PATIO	2040 SF
KITCHEN	500 SF
BATHROOMS AND HALL	150 SF
STORAGE AND ADMINISTRATION	700 SF
TOTAL IN BUILDING	4040 SF



FLOOR PLAN SCALE: 3/16" = 1'-0"

1-22-06

S H E A B O U L E V A R D

ATTACHMENT #9

FLOOR PLAN

CONTRACTOR

ARCHITECTURE ENGINEERING

Peter Owens Designs
ARCHITECTURAL DESIGN
PH: (480) 433-4664 FAX: (480) 236-4404
101 E PLEASANT RD. SCOTTSDALE, ARIZONA 85259

TANNER'S
FOR
LADMAN & ASSOCIATES
SHEA BOULEVARD
SCOTTSDALE, ARIZONA